

AN ORDINANCE      101025

**AN ORDINANCE APPOINTING DIANE CORTEZ, ALLISON ELDER, JESS JENKINS, ORLANDO SALAZAR, STEVE TILLOTSON, AND CHARLES VILAFRANCA TO THE BOARD OF DIRECTORS FOR THE CITY SOUTH MANAGEMENT AUTHORITY ("CSMA") FOR TERMS OF OFFICE TO EXPIRE JUNE 30, 2007, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE, CHAPTER 375, MUNICIPAL MANAGEMENT DISTRICTS, SUBCHAPTER O, KNOWN AS THE DAMA ACT, AND THE CITY CODE, CHAPTER 2, ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; AND PROVIDING FOR THE WAIVER FOR THESE TERMS ONLY OF SECTION 2-402 OF SAID ARTICLE FOR EACH APPOINTEE; AS REQUESTED BY MAYOR EDWARD D. GARZA**

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**WHEREAS**, one of the goals of the City is to balance San Antonio's growth by attracting new residents and businesses by promoting sustainable development and economic growth in an area rich with environmental, historical, human and economic resources; and

**WHEREAS**, one method to achieve that goal was the creation of a Defense Adjustment Management Authority (DAMA) in the statutorily eligible area known as City South; and

**WHEREAS**, pursuant to Ordinance Number 100073, passed and approved on May 19, 2005, the City Council authorized the designation of the City South Management Authority (the "Authority") and established a Board of Directors for the CSMA (hereinafter "Board"); and

**WHEREAS**, the Authority is located within the geographic boundaries of the City South, and comprises that land within City South that has been annexed for limited purposes; and

**WHEREAS**, the Authority is a governmental entity and a political subdivision of the state of Texas, and as such, the board of directors of the Authority are granted the power to generate and approve the Master Plan of the Authority, which shall detail the plans and design for the development, construction, and financing of eligible projects within the Authority, and the board may also issue notes and bonds with prior approval of the City, but may not levy ad valorem taxes within the Authority; and

**WHEREAS**, the DAMA Act ("The Act"), located in Chapter 375 of the Local Government Code, which contains the requirements for a Municipal Management District, provides that the Board consists of fifteen (15) members, six of whom are appointed by the City, six by the County, and three are collectively appointed by the School Districts in whose boundaries the CSMA lies; and

**WHEREAS**, the Act states that a majority of the appointees to the board must be at least eighteen (18) years old and at least one of the following: an owner of property in the district, an owner of stock of a corporate owner of property in the district, an owner of a beneficial interest in a trust that owns property in the district, or an agent, employee or tenant of one of the above; and

**WHEREAS**, three of the appointees, Jess Jenkins, Orlando Salazar and Charles Villafranca are owners of property in the district; and

**WHEREAS**, Chapter 375 of the Local Government Code further requires the City to make appointees to a Municipal Management District board so that places on the board are occupied by persons with experience in one or more of the following areas: energy matters; commercial banking; real estate development; finance and insurance matters; matters relating to retail or the provision of services; provision of utilities; or general issues the district will address; and

**WHEREAS**, all six appointees meet the requirements for experience; Diane Cortez is the Chair-elect of the South San Antonio Chamber of Commerce and has experience with the provision of services; Allison Elder is a former employee of the Bexar Land Trust and has knowledge of the area, with experience in general issues the district will address; Jess Jenkins also has knowledge of and experience with general issues the district will address; Orlando Salazar has experience with real estate development; Steve Tillotson has architectural experience with real estate development, matters relating to the provision of services and general issues the district will address; and Charles Villafranca, an engineer, has experience with energy matters; and

**WHEREAS**, on December 16, 2004, City Council passed and approved Ordinance Number 100199, which amended Chapter 2 of the City Code of the City of San Antonio ("City Code"), by adding Article VIII, entitled "Boards and Commissions" which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council; and

**WHEREAS**, it is the intent of the City Council that except as provided otherwise by state law, the City appointees to the Board are subject to the requirements of the City Code; and

**WHEREAS**, due to the unique nature of the Board, and in an effort to comply with the amended City Code, staff requests that for these terms only, these appointees to the Board be exempted from Section 2-402 of the City Code, regarding the process used for making at-large appointments to boards and commissions; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Diane Cortez, Allison Elder, Jess Jenkins, Orlando Salazar, Steve Tillotson, and Charles Villafranca are hereby appointed to the Board of Directors for the City South Management Authority ("CSMA"), for two-year terms expiring June 30, 2007.

**SECTION 2.** The above appointees to the Board of Directors are required to comply with all applicable City Code provisions, City ordinances, Charter provisions, state law and federal law including the requirement to submit an annual Financial Disclosure form, the Texas Open Meetings Act, Charter provisions on Holdover, and Chapter 2, Article VIII of the City Code, except that, for these terms of office only, City Code Section 2-402 (at-large appointment process) shall not apply to these appointees.

**SECTION 3.** It is hereby found that Jess Jenkins, Orlando Salazar and Charles Villafranca are at least eighteen (18) years old and at least one of the following: an owner of property in the district, an owner of stock of a corporate owner of property in the district, an owner of a beneficial interest in a trust that owns property in the district, or an agent, employee or tenant of one of the above, and thereby meet the requirements of the DAMA Act, and that Diane Cortez; Allison Elder and Steve Tillotson, while not meeting the criteria of the Act for the majority of the Board appointees, are nevertheless eligible for appointment to the Board as only a majority of all Board members must meet this criteria.

**SECTION 4.** It is hereby further found that all of the above appointees have experience in one or more of the following areas: energy matters; commercial banking; real estate development; finance and insurance matters; matters relating to retail or the provision of services; provision of utilities; or general issues the district will address, and thereby all meet the requirements of a Municipal Management District created pursuant to Chapter 375, Local Government Code.

**SECTION 5.** The Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Council hereby incorporates such recitals as a part of this Ordinance.

**SECTION 6.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

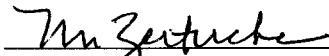
**SECTION 7.** This ordinance shall be effective on the tenth day after passage hereof.

***PASSED AND APPROVED this 16<sup>th</sup> day of June 2005.***



**M A Y O R  
EDWARD D. GARZA**

**ATTEST:**   
City Clerk

**APPROVED AS TO FORM:**   
for Acting City Attorney

# Agenda Voting Results

**Name:** 29.

**Date:** 06/16/05

**Time:** 02:57:33 PM

**Vote Type:** Multiple selection

**Description:** An Ordinance appointing Diane Cortez, Allison Elder, Jess Jenkins, Orlando Salazar, Steve Tillotson and Charles Villafranca to the Board of Directors for the City South Management Authority ("CSMA") for terms of office to expire June 30, 2007, in accordance with the Local Government Code, Chapter 375, Municipal Management Districts, Subchapter O, known as the DAMA Act, and the City Code, Chapter 2, Article VIII, entitled "Boards and Commissions"; and providing for the waiver for these terms only of Section 2-402 of said article for each appointee; as requested by Mayor Edward D. Garza.  
[Presented by Leticia Vacek, City Clerk]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. McNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6	Not present			
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8	Not present			
KEVIN WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		